

**Conservation Commission  
Minutes of December 8, 2016  
Public Hearings  
Mashpee Town Hall  
Waquoit Meeting Room**

**Commissioners Present:** Bradford R. Sweet, Chad Smith, Thomas J. O'Neill, Robert C. Anderson, Dale R. McKay, Ralph B. Shaw, Jr.

**Staff Present:** Drew McManus (Conservation Agent) and Judy Daigneault (Recording Secretary)

**CALL MEETING TO ORDER: 5:55 p.m.**

The meeting was called to order with a quorum by Chairman Brad Sweet at 5:55 p.m.

There was no public comment

**PRE/POST-HEARING AGENDA:**

**Minutes:** Approve November 10, 2016 Minutes

**Motion: Mr. O'Neill moved to approve the November 10, 2016 minutes, seconded by Mr. McKay. Vote 5-0-1 with Mr. Smith abstaining.**

**Surveying results for Noisy Hole Conservation Area encroachment  
Update:**

The Agent updated the Commissioners on the encroachment on the Noisy Hole Conservation Area. Cape and Islands did surveying and revealed there was substantial encroachment from the property at 20 Swain Circle and minor encroachment from 16 Swain Circle. He has been in contact with the town attorney to get some advice. He stated there are a couple of scenarios. One is to require mitigation plantings, removal of all brush from the area and the placement of visible property boundaries. He will be discussing this further with town counsel to bring it into compliance.

**ADDITIONAL TOPIC** *(This space is reserved for topics that the Chairman did not reasonably anticipate would be discussed).*

**HEARINGS:**

**6:00 – Michael J. Ronhock (Applicant), Mashpee Great River. Proposed aquaculture project. Owner of record: Commonwealth of Massachusetts. NOI**

**Resource Area: Land Under Ocean, Great River Mashpee**

The Agent explained that Rick York, Shellfish Constable, is on vacation and had some concerns with this proposed aquaculture project regarding birds that may stage themselves on the floating gear (potential bio-fowling issues). The Agent asked if the

Commissioners wished to go forward with hearing since Mr. York's comments were not available. Following a brief discussion the Commissioners agreed to go forward with the hearing.

Mr. Ronhock, applicant, explained he is proposing to create and operate approximately a 1.04 acre aquaculture project in Great River, Mashpee. He said the shellfish grant will be for the growing and cultivating of oysters. He will start them from seed. He described the method used will be a combination of floating fine mesh bags for seed. Then, as they grow, they will be culled out and placed in the bottom growing cages. He will also be using some floating cages in the prime growing season. He stated all the gear will be securely tethered to the bottom using rope, chains and anchors. He noted he isn't sure what Mr. York's concerns are and that he may want to come up with some type of mitigation. Mr. Ronhock showed the location of his project on a plan provided. He said waterways requires 150 feet from the channel and he is about 250 feet from the actual channel and about 50 feet off the shore line. He referred to the Best Management Practices from the State and he said his grant is in line with that.

### **Public Comment**

Mr. Cook said he felt it was unfair for Mr. York to come up with this late concern. As far as he is concerned Mr. York has backed the project through the Shellfish Commission of which he is a member. Mr. Cook said he is a member of the Mass Aquaculture Association and has never heard of concerns because of birds. He noted Marine Fisheries has signed off on the project. If in the future some concerns come up, he is sure Mr. Ronhock would address those concerns.

Mr. Ronhock had a list of pros and cons from Mr. York and read these into the record. Following a discussion,

**Motion: Mr. McKay moved to Close and Issue with the condition that Rick York be consulted and that his issues be resolved to the satisfaction of our Agent. There was discussion on the motion as to whether deny the application or continue the hearing because of lack of information from Mr. York. Mr. Smith seconded the motion conditioned upon Mr. York's concerns are addressed. Vote: Mr. Smith yes, Mr. O'Neill yes, Mr. McKay yes, Mr. Sweet yes, Mr. Shaw, yes, Mr. Anderson, No. Vote 5-1.**

**6:03 Carl F. Cavossa, Jr. and Kristen Cavossa, 345 Monomoscoy Road. Proposed construction of new vinyl sheeting bulkhead and plantings. At request of engineer, continued from 11/10/2016 to allow time for revised plans. NOI**

**Resource Areas: Coastal Bank, Salt Marsh, BVW, Land Under Ocean, Land Containing Shellfish, LSCSF**

Jack Landers-Cauley, J.E. Landers—Cauley, P.E., represented the applicants. He explained similar projects were previously approved by the Commissioners for 333 and 339 Monomoscoy Road. This project is very similar. He referred to a plan and stated the applicants would like to construct a bulkhead. He noted the construction access to the site. He said on the property is a licensed dock and bulkhead and pointed out the resource

areas. All the work will not be in the resource areas. They are proposing a bulkhead that is above the tidal range. The major goal is to physically keep away from the resource areas and protect the land form. All the work will be done from the upland side.

The Agent noted he wants to see delineation of the salt marsh in the field and wants to make sure the salt marsh doesn't get impacted. He said the mitigation plant list looks good but would like to see the numbers on a revised plan. Mr. Landers-Cauley stated he will submit a revised plan. The Agent also noted this project should be conditioned that the contractor has relevant marine construction experience in installing bulkheads. He said the project meets the performance standards. He recommended a close and issue with the conditions a more detailed plan for mitigation planting be submitted and the requirement the contractor has relevant marine experience in installing bulkheads.

No comment from the public

**Motion: Mr. McKay moved to Close and Issue with the conditions that pictures are taken, ensure salt marsh is not disturbed and submission of a new mitigation plan, and the contractor has relevant marine experience in installing bulkheads, seconded by Mr. Shaw. Vote unanimous 6-0**

**6:06 Adam P. Marx, 29 Pond Circle. Proposed tree removal and mitigating plantings  
RDA**

**Resource Areas: John's Pond, buffer zone to BVW and Land Under Waterways/Waterbodies**

Mr. Marx, homeowner, explained he would like to remove and replace 6 pine trees. He stated the pine trees are overshadowing 2 walnut trees and one holly tree. He said half of the trees have dead branches and pine needles are dropping all over the back yard and roof. He said the pine trees will be replaced with some type of evergreen screening. The Agent noted the trees on photos and stated many of the trees have split trunk and will result in damage to the property. The first tree is about 45 foot setback to the wetland. This would not trigger mitigation but a swap out for other trees. He noted it is a hazardous situation and recommended a negative determination.

No comments from the public.

**Motion: Mr. Shaw moved for a Negative Determination seconded by Mr. Smith. Vote unanimous 6-0 NOI**

**6:09 John W. Walkinshaw and Susan E. Poniatowski, 86 Lakewood Drive. Proposed demolition/reconstruction of dwelling and deck, construction of a temporary seasonal dock, hardscape and landscape improvements.**

**Resource Area: Land Under Waterbodies and Waterways, Mashpee Pond, Bordering Vegetated Wetlands, Inland Bank.**

Matthew Costa, Cape and Islands Engineering, represented the applicants. He stated the proposed project is to raze the existing single family dwelling and deck and to construct a new single family house and deck. The proposal also calls for connection to existing septic

system, rebuild existing stairs and landing, rebuild a portion of existing retaining wall within the same footprint, install a temporary seasonal roll-in dock, and install mitigation plantings. The proposed limit of work signage will be posted at the site. Mr. Costa stated they are proposing mitigation as outlined on the plan. They are also proposing drywells be installed. He noted the bank is vegetated with native species. The project meets the performance standards and Mr. Costa respectfully requested the Commissioners issue an order of conditions.

No comment from the public

Mr. Shaw recused himself from the vote since he is an abutter.

The Agent noted all of the conditions he requires is noted on the plan but is awaiting the letter from Natural Heritage and would withhold issuance until letter is received. However, he is anticipating a letter of no take. He said the mitigation looks good, the work limit is shown on the plan and he recommended a Close and Issue.

**Motion: Mr. McKay moved to Close and Issue, seconded by Mr. Smith. Vote unanimous 5-0-1 with Mr. Shaw abstaining.**

**6:12 Michael K. and Lori Bloom, 6 Cross Tree Way. Proposed demolition/reconstruction of dwelling and garage; septic system upgrade, hardscape and landscape improvements. NOI**

**Resource Areas: LSCSF, Buffer Zone to BVW, Land Under Ocean, Salt Marsh**

Matthew Creighton, BSC, represented the applicants. He explained the proposed project is to raze and replace an existing single family home deck, porch, garage, driveway, and a new title V septic system. Also part of this project is the installation of an in ground swimming pool. The project, with the exception of the septic system, is located outside of the 50 foot buffer zone and within an area previously disturbed. He noted the house would be moved landward.

The Agent noted the property on the photos provided. He was concerned with the mitigation plan. He noted the condition of the float on the property which needs to be fixed and the float needs to be encapsulated and this needs to be dealt with immediately. The Agent said he could meet on site and discuss the mitigation. He said Board of Health has received the application and is under review.

No comment from the public

**Motion: Mr. McKay moved to Close and Issue with the condition that the mitigation plan be worked out to the satisfaction of the Agent, Mr. Smith seconded the motion. Vote unanimous 6-0**

**6:15 New Seabury Golf Club LLC, 252 Shore Drive. Proposed landscape and structural improvements. NOI**

**Resource Area: LSCSF (V-zone), Coastal Bank, Coastal Dunes, buffer to coastal beach**

Matt Creighton, BSC Design, represented the applicant. He explained the proposed project is at the Popponesset Inn and involves the removal and reconstruction of an existing tent to include walkways, concrete dance floor and pathways. The project also consists of the removal of an existing concrete deck area. This area will be used for a portion of the new tent and the tent will be elevated on a deck to allow for migration of dune sand, vegetation and animals underneath. He stated they are also proposing sand nourishment for a dune enhancement area and will be planted with American Beach Grass for stabilization. He was also proposing the removal of invasive vines along the adjacent coastal bank. They are also looking to put in a handicap access ramp.

The Agent noted the removal of invasives should at this time be restricted to the vines and noted there are certain times of the year the treatment should take place. Mr. Creighton said they would be treating the vines late summer. The Agent noted having the tent raised and the concrete removed will be more beneficial to the area.

No comments from the public

**Motion: Mr. Smith moved to Close and Issue, seconded by Mr. McKay. Vote unanimous 6-0**

**6:18 New Seabury Golf Club, LLC, 236 Shore Drive. Proposed installation of ADA-compliant handicap access ramp onto beach. RDA**

**Resource Area: LSCSF, Coastal Bank, Coastal Dune, buffer to coastal beach**

Matt Creighton, BSC Design, represented the applicant. He explained the proposed project is to rebuild an area of the existing ramp and installing a section of handicap access ramp to the existing beach access stairs for handicap access to the beach of the existing deck. The proposed ramp will include landings as well as grading to meet proper grade to allow an easier handicapped access. Beach nourishment is also being proposed around the ramp.

Comment from the public

Joe spoke about his wife who has had trouble navigating her wheelchair in this area. He inquired if a mat will be placed at the bottom of the ramp to go out to the beach. Joe Pedula from New Seabury stated there will be a mat installed to enable access to the beach.

The Agent noted this project is a necessary upgrade to bring it into compliance with ADA.

**Motion: Mr. McKay moved a negative determination, seconded by Mr. Smith. Vote unanimous 6-0**

**6:21 Thomas J. and Kristin E. Murray, 118 Waterway. Proposed demolition/reconstruction of dwelling and garage; installation of a swimming pool; hardscape and landscape improvements. NOI**

**Resource Area: LSCSF, buffer to Coastal Bank, BVW and salt marsh**

Tom Bunker, BSS Design, represented the applicants. He explained the project is to raze the existing house and replace with a new three bedroom house which meets flood zone requirements and a new septic system which conforms to Title V requirements. They will be replacing the existing swimming pool and the septic system has been approved by the Board of Health. He reviewed the mitigation plan.

The Agent stated when the setback is shown, it should be shown from the patio area not the edge of the pool.

Andrew Garulay, Landscape Architect, reviewed the mitigation plan and noted the new structure is outside of the 50' buffer zone. He noted drywells to be installed and a few of trees will be removed in the front.

The Agent illustrated the property on the pictures. He recommended using trees in the mitigation such as Eastern Red Cedar. He also reiterated he would like to see the new setback line on the engineering plan and also show the trees that are to be removed on the plan. He recommended requiring the work limit be delineated in the field.

No comments from the public

**Motion: Mr. Shaw moved to Close and Issue, seconded by Mr. Smith. Vote unanimous 6-0**

**6:24 43 Waterline, LLC, 43 Waterline Drive South, Amend Order of Conditions 43-2863, allow for additions to existing dwelling and septic system upgrade. AOC**

**Motion: Mr. McKay moved at the request of the applicant to continue this hearing until January 12 at 6:00 p.m., seconded by Mr. Mr. Shaw. Vote unanimous 6-0**

**6:27 John J. and Ellen A. Canepa, 58 Fells Pond Road. Proposed removal of eight trees and pruning of several other trees. RDA**

**Resource Area: Buffer zone to inland bank and Land Under Waterbodies and Waterways (Fells Pond)**

John Canepa, homeowner, explained he was requesting the removal of 8 trees from the property that are either dead, dying, too close to the house or too close to other trees causing stunted growth. Also, he was requesting the pruning of several trees that have dead branches that are hanging over the house. He noted six of the trees to be removed are within 100 feet of Fells Pond. Mr. Canepa had pictures of the trees to be removed and explained the reasoning for the removal of each tree.

No comments from the public.

The Agent stated there are only 4 trees within the 100 foot setback from Fells Pond. He noted some of the pitch pines may have some turpentine beetle infestation and recommended not to take down these trees from spring time to October.

**Motion: Mr. McKay moved a Negative Determination, seconded by Mr. Shaw. Vote unanimous 6-0**

## **Post Hearing Agenda**

### **Tom Feronti: Mashpee Commons proposed Conservation Restriction.**

Mr. Tom Feronti, Construction Manager, Mashpee Commons, described a parcel of land in Mashpee located off Great Neck Road, South. The parcel is approximately 8 acres in size and has a conservation restriction put on it by Mashpee Commons LLC. Mr. Feronti was proposing that the Mashpee Conservation Department be the holders of this conservation restriction. He requested the Conservation Commission approve the restriction and recommend the restriction to the Board of Selectmen. He referred to the draft Conservation Restriction. The Agent recommended approval because it is part of the Mashpee Pine Barrens and is part of the Mashpee National Wildlife System.

**Motion: Mr. Smith moved to endorse and recommend to the Board of Selectmen the conservation restriction on parcels 9935, 9936, 9937 located off Great Neck Road, South, seconded by Mr. Shaw. Vote unanimous 6-0**

### **Update: AmeriCorps Workday – Santuit Pond Preserve**

The Agent updated the Commissioners on the AmeriCorps Workday. They installed some trail steps and new signs. They also did some trail pruning and he thanked them for their work and thanked Kate Cadoret for organizing the Workday. He noted she is continuing to do great work with the Conservation lands and is doing trail maintenance including making sure the cameras are in working order to prevent trespassing.

### **Update: Plan submitted by Eversource for Mashpee River Woodlands – easement road erosion towards Mashpee River**

The Agent reported the plan was submitted from Eversource for the easement to prevent the runoff and erosion situation down the bank toward the Mashpee River. They will construct a berm where the erosion is taking place and install concrete barriers to prevent unauthorized vehicles to get through. They will make sure the gate is locked and a vigorous planting plan has been developed. He will be sending the Commissioners a PDF of the plan for their information.

**Motion: Mr. McKay moved to adjourn, seconded by Mr. Shaw. Vote unanimous 6-0. Meeting adjourned 8:30 p.m.**

Respectfully submitted,

Judy Daigneault  
Recording Secretary